



State of Utah

Department of
Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF AIR QUALITY
Cheryl Heying
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

DAQ-092-07

MEMORANDUM

TO: Air Quality Board

THROUGH: Cheryl Heying, Executive Secretary

FROM: Colleen Delaney, Environmental Scientist

DATE: January 9, 2008

SUBJECT: FINAL ADOPTION: R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD)

On September 5, 2007 the Air Quality Board proposed revisions to R307-405 to update the incorporation by reference of 40 CFR 52.21 and 40 CFR 51.166 to the July 1, 2007 version of the CFR. A public comment period was held from October 1, 2007 to October 31, 2007. No comments were received and a public hearing was not requested.

Staff Recommendation: Staff recommends that R307-405 be adopted as proposed.

(74) 40 CFR Part 63, Subpart WWWW, National Emission Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production.

(75) 40 CFR Part 63, Subpart XXXX - National Emission Standards for Tire Manufacturing.

(76) 40 CFR Part 63, Subpart YYYY, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.

(77) 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

(78) 40 CFR Part 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.

(79) 40 CFR Part 63, Subpart BBBB, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.

(80) 40 CFR Part 63, Subpart CCCCC, National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.

(81) 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.

(82) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.

(83) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing.

(84) 40 CFR Part 63, Subpart GGGGG, National Emission Standards for Hazardous Air Pollutants for Site Remediation.

(85) 40 CFR Part 63, Subpart HHHHH, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing.

(86) 40 CFR Part 63, Subpart IIIII, National Emission Standards for Hazardous Air Pollutants for Mercury Emissions from Mercury Cell Chlor-Alkali Plants.

(87) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.

(88) 40 CFR Part 63, Subpart KKKKK, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.

(89) 40 CFR Part 63, Subpart LLLLL, National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing.

(90) 40 CFR Part 63, Subpart MMMMM, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operations.

(91) 40 CFR Part 63, Subpart NNNNN, National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production.

(92) 40 CFR Part 63, Subpart PPPPP, National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.

(93) 40 CFR Part 63, Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.

(94) 40 CFR Part 63, Subpart RRRRR, National Emission Standards for Hazardous Air Pollutants for Taconite Iron Ore Processing.

(95) 40 CFR Part 63, Subpart SSSSS, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.

(96) 40 CFR Part 63, Subpart TTTTT, National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

(97) 40 CFR Part 63, Subpart DDDDDD, National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.

(98) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.

(99) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.

(100) 40 CFR Part 63, Subpart GGGGGG, National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.

(101) 40 CFR Part 63, Subpart LLLLLL, National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources, published on July 16, 2007 at 72 FR 38864.

(102) 40 CFR Part 63, Subpart MMMMMM, National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources, published on July 16, 2007 at 72 FR 38864.

(103) 40 CFR Part 63, Subpart NNNNNN, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds, published on July 16, 2007 at 72 FR 38864.

(104) 40 CFR Part 63, Subpart OOOOOO, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources, published on July 16, 2007 at 72 FR 38864.

(105) 40 CFR Part 63, Subpart PPPPPP, National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources, published on July 16, 2007 at 72 FR 38864.

(106) 40 CFR Part 63, Subpart QQQQQQ, National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources, published on July 16, 2007 at 72 FR 38864.

KEY: air pollution, hazardous air pollutant, MACT

Date of Enactment or Last Substantive Amendment: [February 9, 2007]2008

Notice of Continuation: February 9, 2004

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

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Environmental Quality, Air Quality

R307-405

Permits: Major Sources in Attainment or Unclassified Areas (PSD)

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 30431

FILED: 09/07/2007, 13:53

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference into Rule R307-405. The purpose of the change is to update the incorporation by reference to the most recent version of the CFR, dated July 1, 2007.

SUMMARY OF THE RULE OR CHANGE: The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference into Rule R307-405. This amendment updates the incorporation by reference to the most recent version of the CFR, dated July 1, 2007. The rule has been changed so that a single reference in Section R307-405-2 will apply to the entire rule rather than repeating the date in each subsection. This change will simplify future updates to the incorporation by reference date. The following update to 40 CFR 52.21 will be included: 06/13/2007 -- EPA removed the pollution control project and clean unit provisions that were vacated by the DC Circuit Court of Appeals on 06/24/2005. The change was effective immediately. These provisions were already excluded from Utah's incorporation by reference so this is not a substantive change. Rule R307-405 has been changed to remove the exclusions from the incorporation by reference because they are no longer needed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 52.21, 40 CFR 52.01, and 40 CFR 51.166, July 1, 2007.

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** No costs or savings are expected because the cost of Air Quality's activities in issuing approval orders under Rule R307-405 are covered by fees paid by the sources.

❖ **LOCAL GOVERNMENTS:** Because the amendment does not create new requirements for sources owned or operated by local government, no change in costs is expected for local government.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** Because the amendment does not create new requirements for sources, no change in costs is expected for small business. **OTHER PERSONS:** Because the amendment does not create new requirements for sources, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the amendment does not create new requirements for sources, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No change in costs is expected for businesses, because the amendment does not create new requirements for sources. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY

AIR QUALITY

150 N 1950 W

SALT LAKE CITY UT 84116-3085, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2007

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD).

R307-405-1. Purpose.

This rule implements the federal Prevention of Significant Deterioration (PSD) permitting program for major sources and major modifications in attainment areas and maintenance areas as required by 40 CFR 51.166. This rule does not include the routine maintenance, repair and replacement provisions that were vacated by the DC Circuit Court of Appeals on March 17, 2006. [~~This rule does not include the clean unit and pollution control project provisions that were vacated by the DC Circuit Court of Appeals on June 24, 2005.~~] This rule supplements, but does not replace, the permitting requirements of R307-401.

R307-405-2. Applicability.

(1) [~~Except as provided in (2),~~] All references to 40 CFR in R307-405 shall mean the version that is in effect on July 1, 2007.

(2) The provisions of 40 CFR 52.21(a)(2)[~~, effective July 1, 2006,~~] are hereby incorporated by reference.

~~(2) The following provisions that apply to clean units and pollution control projects are not incorporated because these provisions were vacated by the DC Court of Appeals on June 24, 2005:~~

~~(a) 40 CFR 52.21(a)(2)(iv)(e);~~

~~(b) the last sentence in 40 CFR 52.21(a)(2)(iv)(f), and~~

~~(c) 40 CFR 52.21(a)(2)(vi).]~~

(3) Notwithstanding the exemptions in R307-401, any source that is subject to R307-405 is subject to the requirement to obtain an approval order in R307-401-5 through 8.

R307-405-3. Definitions.

(1) Except as provided in (2) below, the definitions contained in 40 CFR 52.21(b)[~~, effective July 1, 2006,~~] are hereby incorporated by reference.

(2)(a)(i) "Major Source Baseline Date" means:

(A) in the case of particulate matter:

(I) for Davis, Salt Lake, Utah and Weber Counties, the date that EPA approves the PM10 maintenance plan that was adopted by the Board on July 6, 2005;

(II) for all other areas of the State, January 6, 1975;

(B) in the case of sulfur dioxide:

(I) for Salt Lake County, the date that EPA approves the sulfur dioxide maintenance plan that was adopted by the Board on January 5, 2005;

(II) for all other areas of the State, January 6, 1975; and

(C) in the case of nitrogen dioxide, February 8, 1988.

(ii) "Minor Source Baseline Date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or R307-405 submits a complete application under the relevant regulations. The trigger date is:

(A) In the case of particulate matter and sulfur dioxide, August 7, 1977, and

(B) in the case of nitrogen dioxide, February 8, 1988.

(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(i)(D) or (E) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or R307-405; and

(B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(iv) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that the executive secretary shall rescind a minor source baseline date where it can be shown, to the satisfaction of the executive secretary, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM10 emissions.

(b) In the definition of "baseline area" in 40 CFR 52.21(b)(15)(ii)(b) insert the words "or R307-405" after "Is subject to 40 CFR 52.21".

(c) "Reviewing Authority" means the executive secretary.

(d)(i) The term "Administrator" shall be changed to "executive secretary" throughout R307-405, except as provided in (ii).

(ii) The term "Administrator" shall be changed to "EPA Administrator" in the following incorporated sections:

(A) 40 CFR 52.21(b)(17),

(B) 40 CFR 52.21(b)(37)(i),

(C) 40 CFR 52.21(b)(43),

(D) 40 CFR 52.21(b)(48)(ii)(c),

(E) 40 CFR 52.21(b)(50)(i),

(F) 40 CFR 52.21(l)(2),

(G) 40 CFR 52.21(p)(2), and

(H) 40 CFR 51.166(q)(2)(iv).

(e) ~~The following definitions or portions of definitions that apply to clean units and pollution control projects are not incorporated because these provisions were vacated by the DC Court of Appeals on June 24, 2005:~~

~~(i) in the definition of "major modification" in 40 CFR 52.21(b)(2), subparagraph (iii)(h);~~

~~(ii) in the definition of "net emissions increase" in 40 CFR 52.21(b)(3), subparagraph (iii)(b);~~

~~(iii) in the definition of "net emissions increase" in 40 CFR 52.21(b)(3), subparagraph (vi)(d);~~

~~(iv) the definition of "pollution control project" in 40 CFR 52.21(b)(32), and~~

~~(v) the definition of "clean unit" in 40 CFR 52.21(b)(42).~~

~~(f) The following definitions or portions of definitions that apply to the equipment repair and replacement provisions are not incorporated because these provisions were vacated by the DC Circuit Court of Appeals on March 17, 2006:~~

~~(i) in the definition major modification in 40 CFR 52.21(b)(2), the second sentence in subparagraph (iii)(a),~~

~~(ii) the definition of "process unit" in 40 CFR 52.21(b)(55),~~

~~(iii) the definition of "functionally equivalent component" in 40 CFR 52.21(b)(56),~~

~~(iv) the definition of "fixed capital cost" in 40 CFR 52.21(b)(57), and~~

~~(v) the definition of "total capital investment" in 40 CFR 52.21(b)(58).~~

(3) "Air Quality Related Values," as used in analyses under 40 CFR 52.21(p) that is incorporated by reference in R307-405-17, means those special attributes of a Class I area, assigned by a federal land manager, that are adversely affected by air quality.

(4) "Heat input" means heat input as defined in 40 CFR 52.01(g); ~~effective July 1, 2006,~~ that is hereby incorporated by reference.

(5) "Title V permit" means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to R307-415.

(6) "Title V Operating Permit Program" means R307-415.

(7) The definition of "Good Engineering Practice (GEP) Stack Height" as defined in R307-410 shall apply in this rule.

(8) The definition of "Dispersion Technique" as defined in R307-410 shall apply in this rule.

R307-405-5. Area Redesignation.

Any person may petition the Board to change the classification of an area designated under R307-405-4, except for mandatory Class I areas designated under R307-405-4(1).

(1) The petition shall contain a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic and social and energy effects of the proposed redesignation.

(2) The petition shall contain a demonstration that the proposed redesignation meets the criteria outlined in Section VIII of the State Implementation Plan and 40 CFR 51.166(c) and (g), ~~effective July 1, 2006,~~ that is hereby incorporated by reference.

R307-405-6. Ambient Air Increments.

The provisions of 40 CFR 52.21(c), ~~effective July 1, 2006,~~ are hereby incorporated by reference.

R307-405-7. Ambient Air Ceilings.

The provisions of 40 CFR 52.21(d), ~~effective July 1, 2006,~~ are hereby incorporated by reference.

R307-405-9. Stack Heights.

The provisions of 40 CFR 52.21(h), ~~effective July 1, 2006,~~ are hereby incorporated by reference.

R307-405-10. Exemptions.

(1) The provisions of 40 CFR 52.21(i)(1)(vi) through (viii), ~~effective July 1, 2006,~~ are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(i)(2) through (5), ~~effective July 1, 2006,~~ are hereby incorporated by reference.

R307-405-11. Control Technology Review.

The provisions of 40 CFR 52.21(j)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-12. Source Impact Analysis.

The provisions of 40 CFR 52.21(k)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-13. Air Quality Models.

The provisions of 40 CFR 52.21(l)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-14. Air Quality Analysis.

(1) The provisions of 40 CFR 52.21(m)(1)(i) through (iv), (vi), and (viii)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(m)(2) and (3)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-15. Source Information.

The provisions of 40 CFR 52.21(n)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-16. Additional Impact Analysis.

The provisions of 40 CFR 52.21(o)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

R307-405-17. Sources Impacting Federal Class I Areas: Additional Requirements.

(1) The provisions of 40 CFR 52.21(p)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

(2) The executive secretary will transmit to the EPA Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the EPA Administrator of every action related to the consideration of such permit.

R307-405-18. Public Participation.

(1) Except as provided in (2), the provisions of 40 CFR 51.166(q)(1) and (2)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

(2) The phrase "within a specified time period" in 40 CFR 51.166(q)(1) shall be replaced with the phrase "within 30 days of receipt of the PSD permit application".

R307-405-19. Source Obligation.

~~[(1) Except as provided in (2) below, (1)]~~ The provisions of 40 CFR 52.21(r)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

~~—(2) The parenthetical phrase in the first sentence in 40 CFR 52.21(r)(6) shall be changed to read "(other than projects at a source with a PAL)."~~

R307-405-20. Innovative Control Technology.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(v)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

(2)(a) The reference to "40 CFR 124.10" in 40 CFR 52.21(v)(1) shall be changed to "R307-405-18".

(b) 40 CFR 52.21(v)(2) shall be changed to read "The executive secretary shall, with the consent of the governors of other affected

states, determine that the source or modification may employ a system of innovative control technology, if".

R307-405-21. Actuals PALs.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(aa)~~[- effective July 1, 2006,]~~ are hereby incorporated by reference.

(2) (a) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(4)(ii) shall be changed to "R307-403".

(b) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(8)(ii)(2) shall be changed to "R307-403".

(c) The references to "70.6(a)(3)(iii)(B) of this chapter" in 40 CFR 52.21(aa)(14)(ii) shall be changed to "R307-415-6a(3)(c)(ii)".

(d) The date of "March 3, 2003" in 40 CFR 52.21(aa)(15)(i) and (ii) shall be changed to "June 16, 2006".

KEY: air pollution, PSD, Class I area

Date of Enactment or Last Substantive Amendment: 2007

Notice of Continuation: June 16, 2006

Authorizing, and Implemented or Interpreted Law: 19-2-104

Health, Administration

R380-300

Community Spay and Neuter Grants

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 30400

FILED: 09/06/2007, 10:44

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Title 26, Chapter 48, requires the Department of Health to define a person having low income and establish procedures and requirements for an organization to apply for funding from the Individual Income Tax Contribution for Community Spay and Neuter Programs.

SUMMARY OF THE RULE OR CHANGE: The rule defines a person having low income and establishes grant application and compliance requirements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-48-102

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The administrative rule anticipates no fiscal impact on the state budget. All funding is from the state income tax individual contributions for Community Spay and Neuter programs.

❖ LOCAL GOVERNMENTS: There are no fiscal costs to local government in regards to the statute or the administrative rule. Over time it is anticipated there will be a savings in animal control as there will be fewer cats and dogs produced. The amount and increment of the savings is difficult to ascertain.